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Attorneys for Petitioner

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In The Matter Of:

THE COMPLAINT OF MAHAY'S
RIVERBOAT SERVICE, INC. an AK
Corporation, DBA MAHAY'S JET BOAT
ADVENTURES for Exoneration from or
Limitation of Liability,

Petitioner.

IN ADMIRALTY

Case No. 3:23-cv-00020-JMK

MAHAY'S RIVERBOAT SERVICE,
INC.'S ANSWER TO CINDY BOYD'S
PRESENTATION OF CLAIM

Petitioner Mahay's Riverboat Service, Inc. DBA Mahay's Jetboat Adventures
answers claimant Cindy Boyd's *Presentation of Claims* as follows:

1. Denies. Petitioner realleges the allegations contained in its Complaint. Petitioner
further denies that the affirmative defense are viable legal and factual positions.

2. Admits based on information and belief.

3. Admits.

4. Admits.

5. Denies as a question of law.

General Allegations

6. Admits.

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1 7. Admits Israel Mahay is a shareholder and officer of Mahay's Riverboat Service.
2 Denies remainder.

3 8. Admits.

4 9. Admits that on June 24, 2022, Claimant was on a Mahay's wilderness excursion,
5 along with other passengers. Denies remainder.

6 10. Admits.

7 11. Denies.

8 12. Denies.

9 13. Denies.

10 14. Denies.

11 **Negligence of Petitioners**

12 15. Denies. Petitioner realleges its complaint and answers above.

13 16. Denies as a question of law.

14 17. Denies as a question of law.

15 18. Denies.

16 19. Denies.

17 20. Denies.

18 21. Denies.

19 **Prayer for Relief**

20 22. Denies.

21 23. The Flotilla rule is inapplicable, therefore denies.

22 24. Denies.

23 25. Denies.

24 26. Denies

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1 **Affirmative Defenses**

2 By way of further answer to Claimant's *Presentation of Claims*, Petitioner states and alleges as
3 follows:

4 1. Petitioner reincorporates its foregoing answers as an affirmative defense;

5 2. Petitioner reincorporates its *Complaint for Exoneration from or Limitation of*
6 *Liability* as an affirmative defense;

7 3. If Claimant suffered any injury or damages, said injuries and damages were caused,
8 contributed to or enhanced by claimant's own comparative fault and claimant's recovery should be
9 barred or reduced accordingly;

10 4. Claimant's damages, if any, were caused by events beyond Petitioner's control;

11 5. Claimant knew of the risk involved and voluntarily undertook the risk that led to
12 her injuries, if any;

13 6. Claimant had and has a duty to mitigate her damages. To the extent she failed to do
14 so, her recovery, if any, should be barred or reduced accordingly;

15 7. Claimant's damages were not caused by the fault, negligence, or breach of duty of
16 Petitioner or with its privity or knowledge. Petitioner is entitled to limitation of or exoneration
17 from liability.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, petitioner Mahay's Riverboat Service, Inc. prays for the following:

20 1. that Claimants *Complaint for Exoneration from or Limitation of Liability* be
21 granted;

22 2. that Claimant's *Presentation of Claim* be dismissed with prejudice and she take
23 nothing thereby;

24 3. that final judgment be entered in favor of Petitioner on all claims and causes of
25 action against it;

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